



AGENDA

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE September 21, 2006

6:30 P.M.

WEST CONFERENCE ROOM

CALL TO ORDER

ROLL CALL

SCHEDULED PRESENTATION

There is no scheduled presentation at this time.

PUBLIC ANNOUNCEMENTS

(Speakers are limited to 3 minutes for announcements of related Board/Commission events, programs, resignations, recognitions, acknowledgments)

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes from August 17, 2006
- 1.B) Approval of Agenda
- 1.C) Approval of 2006 Calendar

STAFF RESPONSE TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous BPAC meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

This category is limited to 15 minutes, with a maximum of three minutes per speaker. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Board or Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Board or Commission.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. DISCUSS Bike Locker Purchase/Installation for Community Center

3. MOTION Consideration of Revisions to Council Policy
Governing Boards and Commissions
4. DISCUSS VTA Bicycle Plan Update

NON-AGENDA ITEMS AND COMMENTS

- BPAC ORAL COMMENTS
- STAFF ORAL COMMENTS

INFORMATION ONLY ITEMS

1. Approved July 20, 2006 Meeting Minutes
2. BPAC Active Items Report
3. BPAC Email

ADJOURNMENT

Notice to the Public:

Agenda information is available by calling Dieckmann Cogill at (408) 730-2713. Agendas and associated reports are also available on the City's website at <http://www.sunnyvale.ca.gov/>, biking.inSunnyvale.com or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting. Please contact the Department of Public Works Transportation and Traffic Division office at (408) 730-7412 for specific questions regarding the agenda.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact Dieckmann Cogill at (408) 730-2713. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II)

GUIDELINES FOR ADDRESSING THE BOARD OR COMMISSION

Public Announcements – Beginning of Meeting

- 3 minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of Board/Commission interest that occur in the City annually. (Only announce one time for the year).

Public Hearings – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable).
- Speakers are requested to give their name (address is optional).
- Anyone interested in addressing the Committee (may only speak one time).
- Closing remarks by the applicant (if applicable).
- Time limit of 3 minutes per person (to be extended at discretion of Chair). Please make comments brief and be prepared to provide new input.

Citizens to be Heard

- Any item relevant to the Board and/or Commission
- Speakers are requested to give their name (address is optional).
- Items not on the agenda.
- Items that do not fall within the scope of the Public Announcement section.
- Time limit of 3 minutes, 15 minutes total for this category (to be extended or continued to end of Board/Commission business, at the discretion of the Chair). Limit to one appearance during this section.

<p>If you wish to provide the Board/Commission with copies of any handout materials you are presenting, please provide sufficient copies for each Board/Commission member, the Recording Secretary and other staff present.</p>

Sunnyvale Bicycle and Pedestrian Advisory Committee
September 21, 2006
Staff Reports

Consent Calendar Items

- 1.A) Draft Minutes from August 17, 2006 (*Attachment 1*)
- 1.C) 2006 Calendar (*Attachment 2*)

Staff Response to Prior Public Comments

There were no Public Comments received at the August meeting.

Public Hearings/General Business

2. Bike Locker Purchase/Installation for the Community Center

The Department of Parks and Recreation has recognized a need for secure employee bike parking at the Sunnyvale Community Center. They have requested the use of the "bike discretionary funds" for the purchase and installation of the bike lockers. It is estimated that it will cost approximately \$3,700 for 4 bike locker spaces. "Bike discretionary funds are a component of the Transportation and Traffic Division operating budget.

Typically these "discretionary funds" are used for promotional and educational material, and small scale bicycle projects like bike detection and striping. Staff routinely requests the BPAC's suggestions and input on the use of these funds. The Committee is being asked to consider endorsing the use of these funds for the bicycle locker storage at the Community Center.

Recommended Action and Alternatives

Staff has no recommendation. This item is for discussion only.

3. Consideration of Revisions to Council Policy Governing Boards and Commissions.

The Draft RTC is enclosed. A brief staff report will be presented verbally and staff will be available to answer Committee Questions.

Recommended Action and Alternatives

Recommend Alternatives to City Council.

4. Santa Clara Valley Transportation Authority (VTA), Bicycle Plan Update

The VTA is currently undergoing an update of the VTA Bicycle Plan. VTA staff has requested local BPAC participation in the development of the new plan (see Attachment 3). Specifically regarding the identification of:

1. New or revised cross county bicycle corridors.
2. New over and under-crossings
3. Major barriers to bicycle travel

A City map will be provided at the meeting. Staff asks for BPAC input and discussion regarding these items. Input should be consistent with the City's approved policies and long range plans. New ideas not in consistent with City Plans would need the endorsement of the City Council.

<p><i>Recommended Action and Alternatives</i></p>

<p>This item is for discussion only. No formal action is necessary.</p>

Information Only Items

1. Approved July 20, 2006 Meeting Minutes (*Attachment 4*)
2. BPAC Active Items Report (*Attachment 5*)
3. BPAC Email (*Attachment 6*)



MINUTES

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Bicycle and Pedestrian Advisory Committee met at 6:30 p.m. on August 17, 2006 with Committee Chair Durham presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL

Members Present: Kevin Jackson
Ralph Durham
Thomas Mayer
Thomas Reuner
Richard Warner

Members Absent: Andrea Stawitcke, excused
James Manidakos, excused

Staff Present: Jack Witthaus, Transportation and Traffic Manager
Carmen Talavera, Traffic Engineer
Lt. Rick Sautter, DPS

Visitors: Arthur Schwartz, Salma Merritt, David Merritt, George Bell, Patrick Grant, Mariel Jose, Shantine Bell, Rajeev Go, Maggie Yin, Abdus Satter, Joanne Schumacher, David Schumacher, Parin Thalasila, Mydhili Punukallu, Xiasjom Young, Jeremy Hubble, Cor van de Water, Mariael Cruda

SCHEDULED PRESENTATION

Lt. Sautter took questions regarding recent collisions.

Jackson complemented DPS staff on the traffic safety presentation to Council. He discussed the use of the word "collision" instead of the word "accident" because many are preventable. He suggested plain clothes police on bikes to act as decoys. He also promoted the use of Street Smarts booklet by officers to distribute to motorists and bicyclists. He also suggested that a bike safety video be played on KSUN.

Durham stated that he noticed driver violations increasing on Duane Avenue in the vicinity of Kings Academy.

PUBLIC ANNOUNCEMENTS

Jackson informed the committee that the VTA BPAC approved the funding increase for the Borregas Bridges project.

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes from June 22, 2006 - pulled
- 1.B) Approval of Agenda
- 1.C) Approval of 2006 Calendar

MOTION – Mayer/Warner – Approve items 1A through 1C of the Consent Calendar.

Motion carried unanimously.

STAFF RESPONSE TO PRIOR PUBLIC COMMENTS

None

PUBLIC COMMENTS

None

PUBLIC HEARINGS/GENERAL BUSINESS

2. Blair Avenue Neighborhood Traffic Calming

Witthaus and Talavera presented the staff report.

Mayer asked questions regarding the width of the bulb-out on Mary at Blair and its effect on traffic calming and parking.

Reuner suggested a channel through the bulb-out on Mary at Blair to provide for bike space.

Public Hearing

Van de Water stated that the Mary Avenue bulb-out is dangerous for bicyclists and that it shows evidence of being hit by motor vehicles. He supports the rest of the traffic calming on Blair Avenue and Grape Avenue.

Grant stated that he was disappointed in the level of staff education and supports improved engineering education for traffic engineering staff. He specifically suggested a bicycle education class in Holland.

Hubble suggested that the BPAC be more involved in traffic calming projects. He also suggested that the speed bumps have slots for bicyclists.

Public hearing closed

Durham stated that he was concerned about a channel through the bulb-out on Mary at Blair. He suggested either shrinking the width, or squaring up the corner instead.

Jackson is concerned about the visibility of bulb-outs at night. He also stated that there was strong opposition to the Mary bulb-out at the community meeting. He recommended that when the community votes for the project, that there be an option presented without the Mary bulb-out. He believes calming should not be on Mary Avenue. He suggested squaring the corner instead. He distributed photos of the Mary bulb-out. Lastly, he recommended that BPAC be involved in traffic calming when bicycle safety is involved. He also suggested widening the outside lane on Mary.

Mayer stated that a channel through the bulb-out would never be swept and that it would lead into parked cars.

This item was for discussion only. No action necessary.
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3. Arques Avenue, Classic Communities Parking Issue

Witthaus presented staff report. He clarified that this is a discussion only item, no motion is required.

The Committee asked a number of questions regarding what other options have been explored such as encouraging the use of public transit and alternative to the automobile. In addition they noted problems with compliance and enforcement with existing daytime only bicycle lanes. The Committee also asked questions about the details of the CC&R's, the use of driveways and apron parking, and visitor parking designation. The committee also suggested the consideration of pocket parking.

Public Comments

Merritt stated that the housing development needs an additional 12 to 20 spaces. He stated that the use of garages has improved because of homeowners association encouragement. He stated that stored vehicles have been identified and are being abated. He stated that there are lots of bicyclists in the complex and that there are not interested in removing the bicycle lane. He requested support from the Committee to consider restricted hours for the bike lane. He expressed that he was very open to compromise and did not want to cause hostility within the bike community.

Hubble stated that he would not support bike lane restrictions. He suggested that the property owners initiate discussions with adjacent properties for parking agreements.

Van de Water stated that Arques is a heavily used commute route for bicyclists and wouldn't support the closure or limitation of the bike lane. Suggested that maybe a separate bike facility could be provided behind the sidewalk.

Schwartz suggested that the intersection could be reconfigured to provide bicycle lanes.

Merritt stated that residents would cooperate and comply with any parking restrictions. He also suggested that maybe a daytime only bike lane can be installed on a temporary basis until further study can occur. Another resident suggested that maybe a detour through the complex could be developed.

Closed Public Hearing 8:12 PM

The Committee expressed that lifestyles focused around cars are causing this problem and thinks that changing the roadway will not provide enough parking to solve any parking problems. Parking demand management and shared parking should be considered first. Arques Avenue is a major commute route and the Committee does not support altering the bicycle lane, because it would present obstacles for bicyclists and any restrictions would be difficult to enforce. The Committee is not opposed to a Study Issue to consider a redesign of the Arques/Fair Oaks intersection to allow for parking and bike lanes, but it does not believe that BPAC would rank it as a high priority in the Study Issue process. The Committee believes that the use of transportation space for parking sets a dangerous precedent.

This item was for discussion only. No action necessary.
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3. Study and Budget Issue Development

Witthaus presented staff report.

The committee requested that the Construction Zone Traffic Safety draft study issue be moved to a Budget Issue. The committee also requested that an additional budget issue be added for bicycle and pedestrian related training for the Division of Transportation and Traffic staff.

The committee also recommended dropping the Stevens Creek Trail Access Study Issue.

The committee made the following other revisions:

- Refine the scope of the Plan Line Study to be limited to the streets identified in the Bike CIP.
- Reword the description of the Policy for the Allocation of Street Space to bring the broader policy to the forefront.
- Spell out the existing Homestead Road bike lane restrictions in the Homestead Road study Issue. Also include the consideration of alternatives such as visitor only hours etc.

Public Input

Hubble recommended that a bicycle throughput measure be added to the Bicycle LOS study. He also suggested that the Homestead Road bike lane study issue include the possibility of reducing travel lanes on the west end.

No action necessary. This item was for discussion only

NON-AGENDA ITEMS AND COMMENTS

- BPAC ORAL COMMENTS

Jackson stated that the Onizuka Base Realignment should consider improvements to bike facilities and urged advocacy with Planning Commission. He also reported abuses in the library bicycle locker.

- STAFF ORAL COMMENTS

Staff noted that bikeway improvements to Weddell Avenue and Aster Avenue are being explored.

INFORMATION ONLY ITEMS

No Comments.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

Respectfully submitted,



Dieckmann Cogill, Senior Transportation Planner

MASTER WORK PLAN BOARDS AND COMMISSIONS CALENDAR

Board or Commission	BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE
Calendar Year	2006

List all significant agenda items below. Include all pertinent items from the Council Study Issues Calendar.

MEETING DATE	AGENDA ITEM/ISSUE
January 26 **(note date change)	Utility Bill Stuffer Concepts Bike Plan Update Mathilda/Caltrain Bridger EIR Scoping Caltrain Bike Lockers Volunteer Patrol Bicycle Friendly Community Application
February 16	Bike to Work Day Planning Health and Safety Fair Sunnyvale Caltrain Station Bike Lockers TFCA 40%
March 16	2006 AC Overlay/Reconstruction List (info only) 2006 Curb Ramp Installation List (info only) Bike to Work Day Planning Health and Safety Fair Bike Plan Update
April 27	Bike to Work Day Planning 06/07 TDA Allocation Bike/Ped Promotional ideas Walk to School Day Planning Bike Plan Update
May 18	Review of 06/07 Proposed Budget Bike to Work Day debrief Bike Plan Update
June 22	TFCA Funding Prioritization Bike Plan Update Recommendation
July 20	Election of Officers Review Code of Ethics and Parliamentary Procedures Study & Budget Issue Development Draft Mary Avenue Extension Geometrics
August 17	Study & Budget Issue Development Blair Avenue Neighborhood Traffic Calming Arques Avenue Bike lane
September 21	VTa Bike Plan Update (Michelle DeRobertis) Bike Locker Purchase/Installation for Community Center

	Consideration of Revisions to Council Policy Governing Boards and Commissions
October 19	Santa Clara County Roads and Airports
November 16	Pedestrian Safety and Opportunities Study
December 21	2007 Work Plan

August 29, 2006

Dieckmann Cogill
Transportation Planner
City of Sunnyvale Department of Public Works
P.O. Box 3707
Sunnyvale, CA 94088-3707

RE: Countywide Bicycle Plan Update

Dear Ms. Dieckmann:

VT A would like your help in updating the Santa Clara Countywide Bicycle Plan. Enclosed please find a map of the City of Sunnyvale. This map indicates the existing bikeway network, including locations of bike/ped bridges and tunnels. I have also enclosed a table where I have listed each crossing of every freeway, creek and Caltrain. The map also shades the routes that are part of the existing cross county bicycle corridor network. Finally, it indicates the half-mile radius around major transit stations.

I understand your next BPAC meeting is September 21, 2006. We would like you and your BPAC to look over this map and table and identify the following. I hope the collective, local knowledge found in the BPAC and city staff will make filling out this table a relatively easy effort. Please add to both the map and the Excel spreadsheet any missing, existing crossings. It is especially hard to find ped/bike bridge crossings over creeks, freeways, and pedestrian local at-grade crossings of railroad tracks.

1. Correct the existing bikeway indications on the map, if necessary.

2. Expand Bikeway Network.

A. Identify New or Modified Cross County Corridors (gray shaded routes).

If there is consensus to reroute a cross county corridor in your city or add an additional corridor through your City, please indicate on the map. The purpose of the cross county corridors is to provide connections between local jurisdictions as well as adjacent counties, and to serve the major trip-attractors in the county. They will eventually be part of a signed countywide bicycle network.

- B. Identify New Bikeway Projects. (For bridges and tunnels, see question 3 below.)
- Bikeways: Planned Bikeway Projects (under design, under construction, funded, or in the BEP).
 - Bikeways Projects needed within the half-mile routes to transit zones, or on cross-county corridors.
 - Bikeways Projects needed to be identified now, before development eliminates their feasibility.

3. Identify needed over and under crossings to the major barriers to bicycle circulation, (i.e. railroads, freeways and creeks and rivers).

The goal for the bike plan is to provide a crossing of these major barriers via either a roadway crossing (with bike /ped accommodations), or a ped /bike bridge or tunnel every half mile in developed areas.

Railroads: (Please mark up the map and list on the attached table.)

- Existing Roadway Crossings: Identify the sidewalks, bike lanes or shoulders on the over crossings (both sides).
- Identify segments >0.9 mile where there is no crossing.
- Non-motorized Only: Identify existing legal at-grade crossings.
- Non-motorized Only: Identify locations where a ped/bike crossing is needed, especially those locations with existing "Desire" crossings (i.e. illegally made, but needed pedestrian crossings).
- Identify locations where future development will create a need for new crossings.

Freeways: (Please mark up the map and list on the attached table.)

- Existing Roadway Crossings: Identify the sidewalks, bike lanes, or shoulders on the over crossing (both sides).
- Identify segments >0.9 mile where there is no crossing.
- Identify needed Non-motorized-Only Crossings.
- Identify locations where future development will create a need for new crossings.

Rivers and Creeks: (Please mark up the map and list on the attached table.)

- Existing Roadway Crossings: Identify the sidewalks, bike lanes or shoulders on the over crossings (both sides).
- Identify segments >0.9 mile where there is no crossing.

Dieckmann Cogill
August 29, 2006
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- Identify needed Non-motorized Only Crossings.
- Identify locations where future development will create a need for new crossings.

Please contact me at (408) 321-5716 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Michelle DeRobertis". The signature is fluid and cursive, with a small flourish at the end.

Michelle DeRobertis, P.E.
Senior Transportation Planner



MINUTES

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Bicycle and Pedestrian Advisory Committee met at 6:30 p.m. on July 20, 2006 with Committee Chair Mayer presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale. A public input meeting for the Sunnyvale Bicycle Plan Update was also held as part of this meeting.

ROLL CALL

Members Present: Kevin Jackson
Ralph Durham
Thomas Mayer
Thomas Reuner
James Manidakos
Richard Warner

Members Absent: Andrea Stawitcke, excused

Staff Present: Dieckmann Cogill, Senior Transportation Planner

Visitors: None

SCHEDULED PRESENTATION

There was no scheduled presentation

PUBLIC ANNOUNCEMENTS

None

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes from June 22, 2006 - pulled
- 1.B) Approval of Agenda
- 1.C) Approval of 2006 Calendar

MOTION – Durham/Jackson – Approve items 1B and 1C of the Consent Calendar.

Motion carried unanimously.

CITIZENS TO BE HEARD

None

PUBLIC HEARINGS/GENERAL BUSINESS

1A. Approval of Draft Minutes from June 22, 2006

Jackson noted that the BPAC vote for item #3 was not included in the minutes. The motion carried unanimously.

Manitakos clarified a point that he made as a member of the public.

MOTION - Durham/Jackson, Approve June 22, 2006 Minutes as amended

Motion carried unanimously.

2. Election of Officers

Mayer opened to floor for nominations for BPAC Chair.

Jackson nominated Ralph Durham. No further nominations were received.

Nominations were closed.

Public Comments

None

Motion – Jackson/Mayer, Appoint Ralph Durham Chair of the BPAC

Motion Carried Unanimously.

Durham assumed the role of Chair and opened nominations for Vice Chair.

Manitakos nominated Kevin Jackson. No further nominations were received

Nominations were closed.

Public Comments

None

Motion –Manitakos/Durham, Appoint Kevin Jackson as Vice Chair of the BPAC

Motion Carried Unanimously.

3. Review Code of Ethics / Parliamentary Procedure

The committee reviewed the code of ethics.

Mayer provided the committee with a brief overview of Parliamentary procedure and its importance.

4. Study and Budget Issue Development.

Cogill presented staff report including details of the Study Issue Process as well as last years Study Issue results.

The committee requested that the following study issues be developed for review and ranking in August and September.

1. Plan Line Study for Bicycle Space
2. Policy for Allocation of Street Space
3. Vision Triangle Municipal Code Update
4. Revision of Level of Service Policy
5. Design Standards for Bicycle Lanes adjacent to on-street parking
6. Stevens Creek Trail Access study
7. Bicycle accommodation through construction zones
8. Hours of operation of Bike Lanes on Homestead Rd.
9. Review of Municipal Code sections that may be in conflict with State Law

5. Draft Mary Avenue Extension Geometrics

Cogill presented draft geometrics for the Mary Avenue Extension over US 101 and SR 237 and asked for committee comments.

The committee made the following comments:

1. Assure that the bridge sidewalk barrier is constructed in such a way that dirt and debris does not get trapped in the sidewalk area.
2. A 4 foot median island is unnecessary. There should be a narrower island and more space provided for bikes and pedestrians.
3. Consider a 10 foot sidewalk.
4. Consider an acoustical warning between the travel lane and the bike lane on the bridge section where no turning is possible.
5. Provide safe and convenient access to the LRT station from NB Mary.
6. Build bike lanes along the entire length of Mary.

MOTION – Mayer/Jackson – Provide safe and convenient bicycle and pedestrian access from the northbound Mary Avenue to the Moffett Light Rail Station. Additionally, completed bicycle lanes along the entire length of Mary Avenue

before or in conjunction with the opening of the extension.

Motion carried unanimously.

NON-AGENDA ITEMS AND COMMENTS

- BPAC ORAL COMMENTS

Jackson requested that BPAC be notified of the Blair Avenue Traffic Calming meeting.

Warner provided info to the committee regarding Portland bike guide signs. He stated that this is a good concept and that the signs look nice.

Reuner agreed that these signs should be used to guide bicyclists to downtown and other destination that could be unintuitive to find.

Manitakos stated that these signs were installed they should be placed on existing posts wherever possible.

- STAFF ORAL COMMENTS

None

INFORMATION ONLY ITEMS

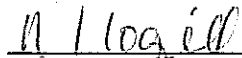
Mayer requested information regarding the pedestrian fatality that was raised in the BPAC email. He also noted that there is a project to rehab man hole covers on Arques and Lawrence. He noted that bikes must be safely accommodated during this construction.

Cogill stated that she would research the items.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Dieckmann Cogill, Senior Transportation Planner

Bicycle and Pedestrian Advisory Committee

Active Items

Item #	Item	OPR	Due Date (Approx)	Status	Last Updated
1	Borregas Avenue Bike Corridor Study	Cogill	2008	CEQA/NEPA environmental clearance complete. Project Update submitted to City Council on April 11, 2006. Construction scheduled to start 2007. BTA funding awarded.	7/13/2006
2	Bernardo Caltrain Under-crossing	Cogill	Preliminary engineering by 2005	Feasibility Study accepted by the City Council. Funds for 20% local matching funds must be identified before further project initiation. BEP Tier 1 update submitted. VTA will program 80% funds out to 2016 to allow for time to secure matching funds.	10/14/2004
4	Evelyn Avenue Bike Lane Phase 1 and 2	Cogill	Summer/Fall 2006	Design Complete. Bidding process underway	9/15/2006
5	Code of Ethics	Cogill	7/1/2006	Annual review to occur at July 2006 meeting	11/8/2005
6	Utility Bill Stuffer	Cogill	Mar-07	May/June Stuffer scheduled for 07	9/15/2006
7	Bike to Work Day	Cogill	5/18/2006	Completed.	6/15/2006
8	Overlay, Reconstruction, Slurry & Chip Schedule	D. Trott	Feb. 2006	Info Only Item, April 2006	4/20/2006
O-1	Bike Transportation Account Grant Program	Cogill	Annual	Funding for the Borregas Bicycle/Pedestrian Bridges Awarded	7/13/2006

O-2	General Supply Expenditures	Cogill	Ongoing	Funds to be used for promotion of walk to school week at 4 schools in sunnyvale	9/15/2006
O-3	Bicycle Capital Improvement Program	Cogill	Ongoing	Grant applications submitted for Duane Avenue from Fair Oaks to Lawrence, Borregas Avenue from Weddell to Caribbean, and Evelyn Avenue from Sunnyvale to Reed.	3/23/2004
O-4	TFCA grants	Cogill	Annual	Call for project for Regional Fund received	6/15/2006
O-5	Bike Parking Incentive Program	Cogill	Ongoing	Rack provided to Sports Basement	7/13/2006
O-6	Construction Zone Safety Complaints received	Cogill	Ongoing	No complaints received this month	9/15/2006
O-7	Issues raised at BPAC meeting requiring staff follow-up	Cogill	Ongoing	1.)request to play bike safety video on KSUN. UC Santa Cruz contacted. City is working to secure the rights to play the video.	9/15/2006

BPAC DPW - Stevens Creek Trail**ATTACHMENT** 

From: "Randy Rhody" <randy@randyrhody.com>
To: <bpac@ci.sunnyvale.ca.us>
Date: 8/10/2006 9:56:05 PM
Subject: Stevens Creek Trail
CC: "Curt Riffle" <curt.riffle@sbcglobal.net>, "Larry Lind" <Larry.Lind@ci.los-altos.ca.us>

Hi,
I'm a member of the Los Altos BPAC and saw the article in today's Palo Alto Daily News about your Bicycle Plan update.

Our BPAC has been working this year to get Los Altos to support a Stevens Creek Trail Feasibility Study. Our City Council has backed us, and we have held a couple of neighborhood focus groups, and are about to form a Task Force that includes interested citizens. During August our city staff is working on a funding agreement with VTA and preparing an RFP for a study consultant.

Our BPAC staff liaison, Larry Lind, has also invited Cathy Merrill of Sunnyvale Parks and Recreation Dept to attend our monthly meeting on Wednesday, August 16. If a member of your BPAC would also be able to attend, he/she will learn a lot about our current status and be able to report to the rest of you at your meeting on Thursday, August 17. We are always hopeful that somehow Sunnyvale and Los Altos can collaborate, and this seems like an ideal time to get involved.

Alternatively, I would like to attend your meeting on Thursday and outline developments here, but I am not able to supply as much detail as you can get at our meeting. Stevens Creek Trail is the first item on our agenda. We meet at 7:00 p.m. in Room 2 at the Hillview Community Center, 97 Hillview Avenue, Los Altos.

Agenda attached. Thanks.

Randy Rhody
Los Altos BPAC
650-969-3678



BICYCLE/PEDESTRIAN ADVISORY COMMITTEE

7:00 p.m., Wednesday August 16, 2006
Hillview Community Center-Room 2
97 Hillview Avenue, Los Altos, California 94022

CALL TO ORDER

Roll Call: Curt Riffle (Chairperson), Scott Chan, Bill Crook, Carl Hagenmaier, Chris Hlavka, Henry Pastorelli and Randy Rhody

Public Comments:

Items may be brought to the attention of the Bicycle Advisory Committee that are not on the agenda (Comments may be from the Committee members or the public)

Discussion:

1. Approval of July 19, 2006 BPAC meeting minutes (Curt) (Decide)
2. Stevens Creek Trail Feasibility Study (Randy, Henry & City of Sunnyvale) (Discuss)
3. VTA BPAC update (Carl) (Inform)
4. Traffic Commission update (Bill) (Inform)
5. Adobe Creek Bridge replacement project (Larry) (Inform)
6. Bike racks discussion (Scott) (Inform)
7. Schedule next meeting and Agenda items for next meeting (Curt) (Decide)

Adjournment

Larry L. Lind
Liaison to the Bicycle/Pedestrian Advisory Committee

**DRAFT****October 17, 2006**

SUBJECT: Consideration of Revisions to Council Policy Governing Boards and Commissions

REPORT IN BRIEF

This report responds to Council's request that two specific revisions to Council policy governing Boards and Commissions be considered:

- 1) require that board and commission members complete their existing terms before being appointed to a different board or commission; and
- 2) merge the Board of Building Code Appeals with another Board or Commission.

Pros and cons are identified for both options. Staff finds that the City Charter already requires that board and commission members complete their existing terms before being appointed to a different board or commission. Staff also recommends that Council charge the *Ad Hoc* Charter Review Committee with exploring board and commission appointment requirements. Staff recommends against the merger of the Board of Building Code Appeals with another board or commission.

BACKGROUND

On June 13, 2006, City Council requested that staff explore two possible revisions to its policies regarding boards and commissions. Councilmember Moylan requested that staff explore the pros and cons of requiring board and commission members to complete their current term before being appointed to a different board or commission. Councilmember Spitaleri requested that staff explore the possible incorporation of the Board of Building Code Appeals into another existing board or commission. Changes such as these to Council policy typically are considered in the context of the City's annual Study Issues process, allowing Council to prioritize all potential policy studies simultaneously, and to then ensure adequate staff time is allocated to those with Council's highest ranking. Given Council's desire to consider the changes identified in this report prior to this coming fall's recruitment of new board and commission members, and prior to the consideration of possible study issues for 2007, staff has not conducted an in-depth study but rather presents basic background and general information for Council's consideration. Should Council desire a more comprehensive review of related subject matter, staff

recommends these items be pursued in the context of this coming fall's Study Issue process for 2007.

EXISTING POLICY

Related Charter sections, Municipal Code sections, and existing Council policies are detailed below.

City Charter

Section 1000. (reads in part): In addition (to Charter boards and commissions), the City Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. (*Note that the Building Code of Appeals is not a Charter board or commission, and was formed by ordinance under the authority of this Charter provision*).

Section 1002. (reads in part): Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term, to serve on a different board or commission. (Prior to amendment in 2006, this section read: "No member of any board or commission shall be eligible for appointment to any other board or commission for two years after the expiration of the full term for which the member was appointed and served.")

Municipal Code

Chapter 16.08.050 of the City's Municipal Code (reads in part):

"There is hereby created a board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction, and who shall be appointed by the city council. The building inspection superintendent shall be an ex officio member and shall act as secretary of the board. The board of appeals shall have the following powers and duties:

- a) To adopt reasonable rules and regulations for conducting its meetings and performing its duties;
- b) To determine the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of the several building and housing codes;
- c) To hear and determine all appeals from the decisions or orders of the building inspection superintendent;
- d) To conduct reasonable investigations in connection with the enforcement of the codes;

- e) To render all decisions and findings in writing to the building inspection superintendent, and to provide copies thereof to the city council and any person interested or affected by each such decision and finding;
- f) To recommend to the city council any new legislation consistent with the codes;
- g) To perform such other duties as it may be directed and ordered to perform by the city council.”

This Chapter of the Municipal Code is supported by Ordinance 2704-02.

Council Policy

Council Policy 7.2.10 supports City Charter Section 1002 with regard to appointments and eligibility requirements, with additions discussed below (see Attachment A).

DISCUSSION

Consider Requiring Board and Commission Members to Complete Their Existing Terms Prior to Becoming Eligible to Serve on a Different Board or Commission

Recent practice would suggest that board and commission members do not need to complete their existing term before being appointed to a different board or commission. In 2006, Council appointed a member of the Board of Building Code of Appeals to the Planning Commission and a member of the Library Board of Trustees to the Arts Commission prior to either member completing their original term.

Subsequently, Council asked that a new policy be considered to require board and commission members to complete their original term of assignment prior to being appointed to a different board or commission. Such a new requirement would not preclude a board or commission member from *applying* for appointment to a new board or commission prior to completion of an existing term, so long as that existing term was completed prior to actual appointment to the new role.

Despite these recent appointments, staff notes that the City Charter dictates that “any person appointed to a board or commission shall be immediately eligible, *upon expiration of their term*, to serve on a different board or commission.” (Please see Attachment B, Charter Language as Amended November 8, 2005). The City’s legal interpretation of this language is that it precludes persons appointed to a board or commission from being eligible to serve on a different board or commission prior to expiration of their term. While

this particular section of the Charter was recently revised, the previous Charter language governing this section could be interpreted similarly: “No member of any board or commission shall be eligible for appointment to any other board or commission for two years after the expiration of the full term for which the member was appointed and served.” (Please see Attachment C, Charter Language Prior to November 8, 2005 Amendment).

Why then did staff recently identify two board members as eligible for appointment to different boards and commissions prior to the completion of their original terms? Unfortunately, a clerical error in the recording of the amended charter language resulted in the following language being certified and distributed:

“Any person appointed to a board or commission shall be immediately eligible to serve on a different board or commission.” (Attachment D, Certified Charter Language with Clerical Error). This language was the basis for the determination of eligibility, and it was not until recent review that staff discovered the discrepancy between this language and the language actually approved by the voters: “Any person appointed to a board or commission shall be immediately eligible, *upon expiration of their term*, to serve on a different board or commission.” Upon discovery of the clerical error, the City immediately filed the correct Charter language with the Secretary of State and fixed the problem. While this amended language eliminates the requirement that board and commission members wait two years after completing their original term to be appointed to a different board or commission, it does not eliminate the requirement that they complete their original term before being appointed to a different board or commission. To accomplish that, the phrase would read “upon expiration of their term, or resignation.”

Exacerbating the clerical error described above, however, is Council Policy 7.2.10, which stipulates that “Should a member be appointed to another Commission role, a letter of resignation must be submitted at the time that the new role is assumed.” (See Attachment A, Council Policy 7.2.10, section 12—Concurrent Service). This policy supports the past practice that it is acceptable for a board or commission member to be appointed to another board or commission prior to completing their original term (otherwise, a letter of resignation would not be necessary).

Pros and Cons of Existing Charter Language

Pros:

The existing Charter language requiring board/commission members to complete original terms prior to being appointed to a different board or commission likely results in:

- A reduction in the number of board and commission vacancies the City encounters (some of those aspiring to different boards and commissions are no doubt motivated by such a policy to finish their existing terms in order to apply for a different board or commission). This helps to maintain the membership strength of boards and commissions, positively impacting their ability to fulfill their duties.
- A reduction in the number of recruitments pursued by the Office of the City Clerk, saving staff time and effort.

Cons:

Possible negatives associated with requiring board and commission members to complete their original term before being appointed to a different board or commission include:

- The loss of board and commission candidates. Those unhappy with an existing role, but interested in another board or commission, might simply resign rather than wait to complete their current term. In this case, the City loses a board or commission member it might otherwise have retained.
- Restricted Council flexibility. If board and commission members were allowed to be appointed to different boards/commissions prior to completing original terms, Council could choose whether or not to exercise that option on a case by case basis through the applicant/interview process. Requiring members to complete their original term does not allow this flexibility.

Possible Merger of Board of Building Code Appeals With Another Board or Commission

Origin and Purpose of the Board of Building Code Appeals:

The Board of Building Code Appeals is not a Charter Board. Rather, the State Building Code and the City's Municipal Code provides the legal basis for the Board of Building Code Appeals. Section 105 of the State Building Code requires that the City maintain a board with "members qualified by experience and training in building construction" (see "Existing Policy" section on pages 2 – 3 of this report for details). The Board of Building Code Appeals was established by City Council in June, 1966.

How Does the Board Typically Function?

When a member of the public appeals a ruling made by the City's Building Official relative to an issue under plan check or construction inspection, the Board is convened to hear both sides of the issue and to render judgment. The Board's decision is final and can not be appealed to Council. The Board,

therefore, serves as an objective, informed third party to render decisions relative to plan checks and construction inspections where City staff and the public disagree.

Importance of the Board

While the State Code does not require a Board per se, the importance of maintaining an independent body capable of making objective, informed decisions on these matters is essential and required by law. The question is whether or not this can be accomplished in a more effective or efficient fashion.

How is Membership Determined?

Board members are appointed by Council following the City's standard recruitment and selection process orchestrated by the Office of the City Clerk for all City board and commission appointments. Members serve four-year terms.

How Often Does the Board Meet?

The Board of Building Code Appeals officially meets "as needed". Given that the Board of Building Code Appeals has been used primarily to address public appeals of rulings made by the City's Building Official relative to permitted conditions or construction inspections, and given the infrequent nature of such appeals being filed, the Board has not met often. In fact, to the best of staff's knowledge, the Board has met only three (3) times in the past 14 years.

Legal Ramifications

Given that the Board of Building Code Appeals is not required by City Charter, no change in the Charter would be required to merge this board with another board or commission. City Code, however, would need to be revised to eliminate reference to the Board of Building Code Appeals, and to indicate that the duties currently associated with the BBCA were assigned to a different board or commission.

Possible Options to Consider

Theoretically, the Council can merge the BBCA with any other City board or commission, provided it is willing to revise the eligibility requirements for that other board or commission accordingly. A complete listing of the City's Council-appointed boards and commissions follows:

Arts Commission

Bicycle and Pedestrian Advisory Committee

Board of Building Code Appeals

Board of Library Trustees

Child Care Advisory Committee

Heritage Preservation Commission

Housing and Human Services Commission

Parks and Recreation Commission
Personnel Board
Planning Commission

There would appear to be only two commissions with any natural tie to the duties currently performed by the BBCA---the Planning Commission, and the Housing and Human Services Commission.

Section 1010 of the City Charter dictates that “the **Planning Commission** shall have power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City;
- (b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and
- (c) Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled “Planning” of the Government Code of California , or as hereafter amended or added to, insofar as they do not conflict with the provisions of this Charter.”

The **Housing and Human Services Commission** is not a Charter commission—rather it was established by Council on March 19, 1985 to advise the Council on existing and potential programs, policies and other issues regarding housing and human services in Sunnyvale. One of its routine functions is to advise the Council on city funding of outside groups providing human services to the community, and to review housing-related Community Development Block Grant programs and priorities.

Pros and Cons Associated with a Merger
Pros:

- The Office of the City Clerk currently oversees an on-going recruitment and selection process to maintain memberships in ten boards and commissions. This can be a time-consuming venture. Merging the BBCA with another board or commission would reduce the number of recruitments and selections necessary. Given the restrictions governing BBCA member qualifications and the few times this board meets, finding qualified applicants willing to serve can be a challenge. Council is also involved in this process, and the cost/benefit of time spent interviewing applicants for the BBCA can be challenged. The merger of this board with another would make the recruitment and selection process more efficient.
- For the same reason outlined above, BBCA members can become disenchanted with their limited role, or frustrated by a requirement to

attend generic board/commission training sessions (such as the recent ethics training). It would, in fact, be quite possible for a BBCA member to go an entire term without ever having the board called to issue a ruling. Merging this board with another might result in board members who felt more engaged and effectively used by the City.

Cons:

- Notwithstanding the concerns identified above this board operates as intended and when needed. That is, while seldom called upon, the BBCA serves as an effective tool when needed.
- To merge this board with another would require that the merged board or commission adopt stiffer eligibility requirements. For example, should the Housing and Human Services Commission adopt the duties of the Board of Building Code Appeals, members of the HHSC would also need to adopt the eligibility standards required by law of BBCA members—that is, future appointees would be required to have experience and training in building construction and disabled accessibility regulations. This would eliminate a large number of candidates who would otherwise qualify to serve on the Housing and Human Service Commission. Members appointed to the merged board/commission might also feel that there was little relationship between the skills and qualifications cited for their selection (i.e., building construction) and the primary task of their merged board/commission (e.g., planning/zoning issues or housing and human services issues).

FISCAL IMPACT

There is no fiscal impact associated with this report.

CONCLUSION

Staff has found that the current City Charter precludes the ability of board and commission members from being appointed to another board or commission prior to their completion of their original term. There are pros and cons, however, to requiring that board and commission members complete their existing term prior to being appointed to a different board or commission. The merger of the Board of Building Code Appeals with another existing board or commission is possible, but also has the potential for both positive and negative consequences.

PUBLIC CONTACT

Public contact was made through the posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, publication of the Council agenda in the *San Jose Mercury News*, and the availability of the report in the Library and the Office of the City

Clerk. Copies of this report were also shared with each of the City's Boards and Commissions.

ALTERNATIVES

1. Accept this report's finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed. Cease any practice not in compliance with such an interpretation. Revise Council policy 7.2.10 to support that position.
2. Charge the *Ad Hoc* Charter Review Committee with reviewing the existing charter language prohibiting board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed.
3. Do not accept this report's finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed.
4. Do not merge the Board of Building Code of Appeals with another board or commission.
5. Merge the Board of Building Code Appeals with another board or commission to be determined by City Council.
6. Other action as determined by Council.

RECOMMENDATION

Staff recommends Alternatives 1, 2, and 4:

1. Accept this report's finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed. Cease any practice not in compliance with such an interpretation. Revise Council policy 7.2.10 to support that position.
2. Charge the *Ad Hoc* Charter Review Committee with reviewing the existing charter language prohibiting board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed.

Staff believes there is some merit to considering a change in the Charter to allow Council's recent practice to continue. That recent practice allowed Council (by majority vote on a case by case basis) to effectively require that existing board and commission members complete their existing term prior to being appointed to a different board or commission, but also allowed Council to appoint members who had not completed their existing term

when deemed appropriate. Staff recommends that the pros and cons of a charter change to retain that flexibility be further explored during the Charter Review process.

4. Do not merge the Board of Building Code Appeals with another board or commission.

While staff appreciates the motivation behind the concept of such a merger, it believes the associated benefits would be outweighed by unintended consequences: a significantly restricted applicant pool for the merged board/commission (given the strict eligibility requirements for building code of appeal work), and the possible frustration of board/commission members appointed on the basis of construction knowledge who rarely are asked to exercise that knowledge as a board/commission member.

Reviewed by:

Robert Paternoster, Director of Community Development
Prepared by: Robert A. Walker, Assistant City Manager

Reviewed by:

Katherine Bradshaw Chappellear, City Clerk

Approved by:

Amy Chan
City Manager

Attachments

Attachment A: Council Policy 7.2.10, Eligibility Requirements for Boards and Commissions

Attachment B: Charter Language as Amended November 8, 2005

Attachment C: Charter Language Prior to November 8, 2005 Amendment

Attachment D: Certified Charter Language with Clerical Error

Attachment A

Policy 7.2.10 Eligibility Requirements for Boards and Commissions

POLICY PURPOSE:

This policy is designed to provide a comprehensive statement of all eligibility requirements for appointment to Boards and Commissions.

POLICY STATEMENT:

Specific membership requirements for charter-related Boards and Commissions are as follows:

1. Personnel Board:

A. Membership:

There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan club or organization, nor a former City employee. (Source: City Charter Section 1007)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council. (Source: City Charter Section 1007)

C. Selection Process:

The members of the Personnel Board shall be selected and appointed in the following manner: Three of the members shall be appointed by the City Council directly; two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (Source: City Charter Section 1007)

D. Term of Office:

The members of the Personnel Board shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter Section 1003)

2. Planning Commission:

A. Membership:

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government, except that the City Manager or his/her designated representative, shall serve as an ex-officio member of the Commission. (Source: City Charter Section 1009)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter Section 1009)

C. Selection Process:

All persons seeking membership on the Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Planning Commission shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter Section 1003)

3. **Parks and Recreation Commission**

A. Membership:

There shall be a City Parks and Recreation Commission consisting of five members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government. (Source: City Charter Section 1011)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter Section 1011)

C. Selection Process:

All persons seeking membership on this commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Parks and Recreation Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 1003)

4. **Board of Library Trustees:**

A. Membership:

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council. No member of the Board shall hold any paid office or employment in the City government. (Source: City Charter Section 1013)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council. (Source: City Charter Section 1013)

C. Selection Process:

All persons seeking membership on this Board shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Board of Library Trustees shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 10013)

5. **Heritage Preservation Commission**

A. Membership:

The Heritage Preservation Commission shall consist of seven members, each to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government. (Source: City Charter Section 1015)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a

member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter Section 1015)

C. Selection Process:

All individuals seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Heritage Preservation Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 1003)

6. **Board of Building Code Appeals**

A. Membership:

The Board of Building Code Appeals shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction, and who shall be appointed by the City Council of the City. (Source: Municipal Code, Chapter 16.08)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council. (Source: City Charter Section 1007)

C. Selection Process:

All individuals seeking membership on this board shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Board of Building Code Appeals shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter Section 1003)

Specific membership requirements for non-charter-specified Boards and Commissions are as follows:

7. **Arts Commission**

A. Membership:

The Arts Commission shall consist of five members appointed by the City Council. The members of this Commission shall have a demonstrated interest in the arts and in the art programs of the City. Strong consideration shall be given to applicants with a background in the arts. (Source: Resolution No. 193-84).

B. Membership Requirements:

All persons appointed to the Arts Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Commission. (Source: Resolution No. 193-84).

C. Selection Process:

All persons seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Arts Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 1003)

8. **Housing and Human Services Commission**

A. Membership:

The Housing and Human Services Commission shall consist of nine members appointed by the City Council. The function and purpose of this Commission is to assist the City Council in matters that pertain to existing and potential programs, policies, and other official City undertakings in the fields of housing and human services. (Source: Resolution No. 134-85. Name changed pursuant to RTC 93-034; Number of members reduced RTC 01-359).

B. Membership Requirements:

All persons appointed to the Housing and Human Services Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City.

Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person thereafter shall be ineligible to continue to serve as a member of the Commission. The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues. (Source: Resolution No. 134-85).

C. Selection Process:

All persons seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Housing and Human Services Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: Resolution No. 134-85).

9. **Child Care Advisory Board**

A. Membership:

There shall be a Child Care Advisory Board consisting of 7 members to be appointed by the City Council. The Board membership shall consist of representatives of 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; 4) business community; 5) parents; 6) related fields. No more than two representatives of a category will serve at any given time. In the event there are unfilled vacancies due to lack of participation from one of the above groups, vacancies may be filled by representatives of other agencies with a role in child care or the community at large. (Source: City Council motion May 26, 1992)

B. Membership Requirements:

All persons appointed to the Child Care Advisory Board at the time of his or her appointment shall be affiliated with (either through employment or an official membership) the above noted organizations. In the event that the affiliation ceases, that person shall be ineligible to continue to serve as a member of the CCAB. (Source: City Council motion May 26, 1992)

C. Selection Process:

1) Designated Agency Appointments:

When a vacancy occurs in the following categories: 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; representative agencies shall be contacted to make an appointment to the CCAB. The City Council will ratify the appointment. In the event that one or more of the designated agencies elects not to participate in the CCAB, the City may accept applications from other agencies involved in child care and will consider these applications amongst the multiple agency/individual appointments as described below.

2) Multiple Agency or Individual Appointments:

For those membership categories for which there is more than one agency or organization which may be interested in seeking membership

on the CCAB, i.e., child care centers and family day care providers (includes one alternate), Sunnyvale businesses, religious institutions and parent representatives, the child care staff shall seek applicants through mailings and other targeted recruitment efforts. Child care staff will recommend appointments which will be ratified by the City Council. (Source: City Council motion May 26, 1992)

D. Term of Office:

The members of the CCAB shall serve for a term of four years and until their respective successors are appointed. Membership terms shall be staggered.

The designated agencies are required to identify the most appropriate representative, which could result in an individual serving multiple terms as the designated agency representative. The limitation on terms that is policy for most of the existing boards in the City be waived for those categories of membership in which there is only one designated agency (C.1 above).

E. Attendance Policies:

Attendance policies for the CCAB will be consistent with those of other boards and commissions in the City with the exception that members may send alternates in their stead who shall have full voting rights. The member shall be reflected in the minutes as having been in attendance through the alternate. (Source: City Council motion May 26, 1992)

10. **Bicycle and Pedestrian Advisory Committee**

A. Membership:

There shall be a Bicycle and Pedestrian Advisory Committee consisting of seven members to be appointed by the City Council. No member of the Committee shall hold any paid office or employment in the City government. (Source: Resolution No. 173-92. Name changed pursuant to RTC 00-337).

B. Membership Requirements:

The members of the Committee shall be selected from two categories.

- 1) Category One shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Committee.
- 2) Category Two shall include members of the PTA or other parent groups, representatives of the Santa Clara Unified School District or Sunnyvale School District administrations, commute coordinators for major employers within the City, members of neighborhood associations,

principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City. (Source: Resolution No. 173-92.)

C. Selection Process:

All persons seeking membership on this Committee shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Bicycle Advisory Committee shall serve for a term of four (4) years and until their respective successors are appointed and qualified, unless removed earlier by the City Council.

11. **Limitation on Terms**

A. Except as otherwise provided in the Charter, no member of any Board or Commission shall be eligible to serve for more than one four year term nor shall such member be eligible for appointment to the same or any other Board or Commission for two years after the expiration of the full term for which a member was appointed and served. (Source: City Charter Section 1002)

B. A person who has served less than two years of a term, whether full or unexpired, on any Board or Commission may be appointed to the same or another Board or Commission for one full four-year term if such appointment does not result in a person serving on one or more Boards or Commissions for more than six years without a break of at least two years, except as provided in C. and D. (Source: City Charter Section 1002)

C. Members of the Planning Commission, the Personnel Board and the Board of Building Code Appeals are eligible to serve two successive four-year terms on the same Board or Commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same Board or Commission for two years following the expiration of the second full term for which the member was appointed and served. (Source: City Charter Section 1003)

D. A person who has served less than two years of a term, whether a full or unexpired term, on any Board or Commission may be appointed to the Planning Commission, Personnel Board or the Board of Building Code Appeals for not more than two successive four-year terms if such appointment does not result in a person serving on one or more Boards and Commissions for more than 10 years without a break of at least two years. (Source: City Charter Section 1002)

12. **Concurrent Service**

No member of any Board, Commission or Committee, chartered or otherwise, may serve on more than one body at the same time. Should a member be appointed to another Commission role, a letter of resignation must be submitted at the time that the new role is

assumed. The only exception would occur in the case of special ad hoc review committees, such as Charter or General Plan Review Committees.

13. Spouses, Household Members and Relatives

No individual shall be appointed to or continue to serve on a City Board, Commission, or Committee, chartered or otherwise, who has a spouse, household member, or relative, within the second degree lineal or collateral consanguinity, currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, Deputy City Manager, City Attorney or Department Director for the City of Sunnyvale.

No individual shall be appointed to or continue to serve on the Personnel Board who has a spouse, household member or relative within the second degree lineal or collateral consanguinity employed by the City of Sunnyvale in a position which has the right to have a disciplinary matter heard before the Personnel Board.

The definition of relative includes parents, grandparents, children, sisters and brothers, nieces and nephews, uncles and aunts related to the individual or spouse.

(Adopted: RTC 85-518 (10/22/1985); Amended: RTC 89-30CA (10/10/1989), 90-039 (1/31/1990), 91-210 (5/21/1991), 92-250 (5/26/1992), 92-409 (8/4/1992), [No RTC] (11/24/1992), 93-034 (2/9/1993), 01-5CA (7/31/2001), 01-359 (10/23/2001))

Lead Department: Office of the City Manager

Attachment B

*Charter Chapter No. 36
Statutes of 2005*

**AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE
Charter Article X. Appointive Boards and Commissions**

General and Special Municipal Election Held November 8, 2005

[Filed with the California Secretary of State _____]

Section 1002 of Article X of the Charter of the City of Sunnyvale is amended to read as follows:

Section 1002. Appointments. Qualifications. Except as otherwise provided in this Article:

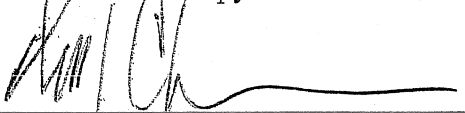
The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than two four year terms nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall be eligible to serve two full four year term terms upon the expiration of the unexpired term for which such person was appointed.

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term, to serve on a different board or commission.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Certified as a true copy:



Dean J. Chu, Mayor

Certified as a true copy:



Katherine Bradshaw Chappelle
City Clerk
(Seal)

Attachment C

Article X, Section 1002, of the Charter of the City of Sunnyvale reads as follows:

Article X
Appointive Boards and Commissions.

Section 1002. Appointments. Qualifications. Except as otherwise provided in this Article:

The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than one four year term nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however, be eligible to serve one full four year term upon the expiration of the unexpired term for which such person was appointed.

No member of any board or commission shall be eligible to serve for appointment to any other board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however, be eligible to serve on another board or commission upon the expiration of the unexpired term for which such person was appointed, subject to the limitation to two successive terms on the same board or commission with respect to the Planning Commission, Personnel Board and Board of Building Code Appeals.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st. (Amended effective December 31, 1975, May 1, 1989 and November 30, 1995)

Attachment D

Charter Chapter No. 36
Statutes of 2005
AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE
Charter Article X. Appointive Boards and Commissions

General and Special Municipal Election Held November 8, 2005

[Filed with the California Secretary of State December 14, 2005]

Section 1002 of Article X of the Charter of the City of Sunnyvale is amended to read as follows:

Section 1002. Appointments. Qualifications. Except as otherwise provided in this Article:

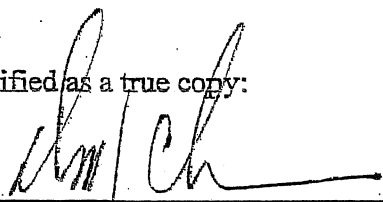
The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than two four year terms nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall be eligible to serve two full four year term terms upon the expiration of the unexpired term for which such person was appointed.

Any person appointed to a board or commission shall be immediately eligible to serve on a different board or commission.


Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Certified as a true copy:



Dean J. Chu, Mayor

Certified as a true copy:


Katherine Bradshaw Chappelle, City Clerk
(SEAL)